

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

JERRY O’NEIL, GENE KIRSCHBAUM,
RUSSELL SIAS, BARBARA LEVITT
(Assembled Voter), DARRELL LEVIT
(Assembled Voter), and other
ASSEMBLED VOTERS,

Plaintiffs,

v.

THE MONTANA SUPREME COURT,
THE STATE BAR OF MONTANA, THE
MONTANA SUPREME COURT and the
STATE BAR OF MONTANA joined
together as the INTEGRATED BAR OF
MONTANA, and CHRISTI JACOBSEN, in
her official capacity as the MONTANA
SECRETARY OF STATE,

Defendants.

CV-23-161-M-BMM

ORDER

INTRODUCTION

Plaintiff Jerry O’Neil (“O’Neil”) filed previously a motion to leave to file an amended complaint. (Doc. 8.) O’Neil attached the amended complain as an exhibit to that motion. (*See* Doc. 8-4.) The Court granted O’Neil’s motion and ordered that O’Neil was required to file his amended complain by January 31, 2024. (Doc. 10.)

O'Neil failed to file his amended complaint as a separate document as ordered by the Court. Pursuant to Local Rule 15.1, "[w]hen a party moves for leave to amend or supplement a pleading, the proposed pleading must be attached to the motion as an exhibit. *If leave is granted, the party must promptly file the pleading.*" (emphasis added). The Court recognizes that O'Neil has been provided with electronic filing access. The Court cautions O'Neil that delays caused by the failure to following the Court's orders and procedures will be construed unfavorably.

Accordingly, **IT IS ORDERED:**

1. O'Neil shall have until February 2, 2024, to file his amended complaint as an independent filing. Should O'Neil fail to file an amended complaint by the February 2, 2024, the Court view O'Neil as having abandoned his motion to leave to file an amended complaint, and this matter will proceed on O'Neil's initial complaint (Doc. 1).
2. Defendants shall have 30 days to respond to O'Neil's amended complaint, assuming it has been filed independently. All other deadlines set by the Court's previous order (Doc. 6) will remain in effect.

DATED this 1st day of February 2024.



Brian Morris, Chief District Judge
United States District Court